

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GREATER BOSTON LEGAL SERVICES, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY, *et al.*

Defendants.

**JOINT STATEMENT AND
(PROPOSED) SCHEDULING
ORDER**

Case No.: 1:21-cv-10083-DJC

AMENDED JOINT STATEMENT AND (PROPOSED) SCHEDULING ORDER

The Parties to the above-captioned action met and conferred on March 27, 2023 and hereby submit this joint statement and proposed scheduling order, pursuant to L.R. 16.1(d) and the Court's March 16, 2023 Order (ECF No. 81).

I. Proposed Schedule.

The Parties agree on the proposed deadlines outlined below. As an initial scheduling matter, Plaintiffs intend to file a motion seeking certification of an interlocutory appeal, or alternatively reconsideration of the Court's March 16 Memorandum and Order, and the Parties have proposed a schedule that includes briefing on that motion. This amended proposed schedule includes a change to the date for Plaintiffs' reply brief on the motion.

Answer to Amended Complaint

- Defendants shall file their answer to the Amended Complaint by April 20, 2023.

Motion to Certify an Interlocutory Appeal or for Reconsideration

- By April 7, 2023, Plaintiffs shall file a motion to certify an interlocutory appeal under 28 U.S.C. § 1292(b), or in the alternative, to reconsider the March 16, 2023 Memorandum and Order.
- Defendants shall file an opposition to Plaintiffs' motion to certify an interlocutory appeal or, in the alternative, to reconsider by May 8, 2023.
- Plaintiffs shall file any reply to Defendants' opposition to Plaintiffs' motion to certify an interlocutory appeal or, in the alternative, to reconsider by May 23, 2023.

Production of the Administrative Record

- By May 17, 2023, Defendants shall produce to Plaintiffs the Administrative Record. Also, by this date, Defendants shall file with the Court an index of this Administrative Record.
- By June 16, 2023, Plaintiffs shall identify to Defendants any objections to the sufficiency of the Administrative Record produced on May 17, 2023.
- By June 30, 2023, the Parties shall meet and confer regarding Plaintiffs' objections.
- By July 14, 2023, if the Parties are unable to resolve any differences, Plaintiffs shall file a motion challenging the sufficiency of the Administrative Record.
- By August 4, 2023, Defendants shall file an opposition to Plaintiffs' motion challenging the sufficiency of the Administrative Record.
- By August 18, 2023, Plaintiffs shall file a reply in support of their motion challenging the sufficiency of the Administrative Record.

Motions for Summary Judgment

- Plaintiffs shall file a motion for summary judgment 60 days after the date on which Defendants complete the production of the Administrative Record, or, in the event of a

dispute regarding the sufficiency of the Administrative Record, 60 days after such dispute is resolved and the Administrative Record is final.

- Defendants shall file a combined opposition to Plaintiffs' motion for summary judgment and cross-motion for summary judgment 30 days after the date on which Plaintiffs file their motion for summary judgment.
- Plaintiffs shall file a combined opposition to Defendants' cross-motion for summary judgment and reply in support of Plaintiffs' motion for summary judgment 30 days after the date on which Defendants file their motion for summary judgment and their opposition to Plaintiffs' motion for summary judgment.
- Defendants shall file a reply in support of Defendants' motion for summary judgment 21 days after the date on which Plaintiffs file their opposition to Defendants' motion for summary judgment.

April 2, 2023

Respectfully submitted,

/s/ Adriana Lafaille

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Dated: _____, 2023

SO ORDERED.

DENISE J. CASPER
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2023, I served the foregoing document upon all counsel of record via the Notice of Electronic Filing (“NEF”) by filing it through the Court’s CM/ECF system. A copy of the as-filed document will be sent by First-Class U.S. Mail to all non-registered participants.

/s/ John T. Montgomery